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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 UNITED STATES OF AMERICA,	)	CR No. 07-764-SI
	)	
17 Plaintiff,	)	STIPULATION AND [PROPOSED] ORDER
	)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
18 v.	)	
	)	
19 JUAN HERRERA-SANTOS,	)	
	)	
20 Defendant.	)	
	)	

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22 On December 10, 2007, the parties in this case appeared before the Court and stipulated that  
23 time from December 10, 2007 through December 21, 2007 should be excluded from Speedy  
24 Trial Act calculations because defense counsel needs adequate time to review discovery, which  
25 government counsel has produced. The parties represented to the Court that the length of the  
26 requested continuance was the reasonable amount of time necessary for effective preparation of  
27 defense counsel, taking into account the exercise of due diligence. 18 U.S.C. §  
28 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by this continuance

1 outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
2 3161(h)(8)(A).

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4 SO STIPULATED:

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6 SCOTT N. SCHOOLS  
United States Attorney

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8 DATED: December 12, 2007

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\_\_\_\_\_/s/  
TAREK J. HELOU  
Assistant United States Attorney

11 DATED: December 12, 2007

\_\_\_\_\_/s/  
STEVEN KALAR  
Attorney for Defendant JUAN HERRERA-SANTOS

14 As the Court found on December 10, 2007, and for the reasons stated above, the Court finds  
15 that the ends of justice served by the requested continuance outweigh the best interests of the  
16 public and the defendant in a speedy trial. The Court also finds that time from December 10,  
17 2007 through December 21, 2007 shall be excluded from Speedy Trial Act calculations for  
18 effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the  
19 requested continuance would deny counsel reasonable time necessary for effective preparation,  
20 taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18  
21 U.S.C. § 3161(h)(8)(B)(iv).

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23 SO ORDERED.

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25 DATED: \_\_\_\_\_

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THE HONORABLE MARIA-ELENA JAMES  
United States Magistrate Judge